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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,271	10/26/2000	Yoichiro Sako	6715/60007	2353

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LERNER, DAVID, LITTENBERG,
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EXAMINER

TRAN, TONGOC

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,271

Applicant(s)

SAKO ET AL.

Examiner

Tongoc Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-9, 11, 13-15, 20 and 23-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7-9, 11, 13-15, 18-20, 39-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

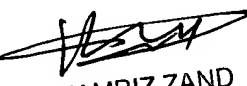
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/3/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2006 has been entered. Claims 1, 5-6, 10, 12, 16-17 and 21-22 have been canceled. Claims 2-4, 7-9, 11, 13-15, 18-20 and 23-65 have been amended. Claims 2-4, 7-9, 11, 13-15, 18-20 and 23-65 are pending.

Response to Arguments

2. Applicant's amendment and remark have been fully considered and are persuasive in light of the claimed invention as a whole including other limitations in the claim. Therefore, Claims 2-4, 7-9, 11, 13-15, 18-20 and 39-65 have been withdrawn.

In respect to amended claims 23 and 31, the claimed features when given its broadest reasonable interpretation, the controlling of the stopping of transmission of the first signal or any signal being concurrent with other signal can be interpreted to be any controlling signal providing the stopping of the data transmission which would have been an inherent feature taught in the art of record. Therefore, claims 24-30 and 32-38 are also rejected because by their dependency they contain the rejected claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Shear (US Patent Application Publication US200110042043).

In respect to claims 23 and 31, Shear discloses the data transmitting apparatus comprising:

a plurality of interfaces of different types; and control means for controlling stopping of transmission of a first signal derived from reproduced data through said plurality of interfaces in accordance with the types of interfaces, said control means controlling the stopping of transmission of the first signal concurrent with the reproduced data being reproduced and concurrent with a second signal derived from the reproduced data being outputted (e.g. page [0282] and pages 21, [0296]).

In respect to claims 24-30 and 32-38 Shear further teaches
reproducing means for reproducing data (see page 21, [0296]);
external-apparatus identifying means for determining a type of an external
apparatus identifying means for determining a type of an external apparatus, or version

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of the external apparatus, or a copyright-related apparatus, according with an amount of the signal or connected to said interface and for outputting data representing the type of the external apparatus (see page 20, [0282, "controls may prevent platform from releasing content except to certain types of output devices that cannot used to make copy the content"; "For example, ... supplies the platform a digital ID that designates the output device as a video cassette recorder...", [0056, "copy may be playable only on intended receiving devices, class(es) of devices...right related to use of such copy..."; "charge for use of portion" {0092}]); and

control means for controlling stopping of transmission of a first signal derived from the reproduced data to the external apparatus through the interface, in accordance with a result of the determining of the type of the external apparatus by said external apparatus identifying means while said reproducing means reproduces the reproduced data and outputs a second signal derived from the reproduced data, wherein said external apparatus identifying means determines whether the external apparatus is a storage apparatus that has a storage memory means for storing signals inputted through the interface, and said control means stops the transmission of the first signal to identifying means determines that the external apparatus is the storage apparatus having the storage memory means, (see page 11, [0168], "For example, dedicated player may prevent any copying of content stored by disk or it may allow the content to be copied only once and never again ", this implies prohibiting the output or enable the copying while control the data signal and stopping the outputting signal when certain

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condition is met, first and second signal recited in the claim language does not distinguish between digital or analog signal, therefore, the limitation is met).

Fee charging means for charging a fee in accordance with the transmission of the first signal through the interface, and said control means controls a free charging process performed by the fee charging means, in accordance with the result of determining made by the external means, in accordance with the result of determining made by the external apparatus identifying means of the type of external apparatus (claim 11). (see page 8, [0092], "where they may charge for the use of a portion").

In respect to claims 58 and 59, Shear further discloses wherein the first signal is a digital audio signal, and the second signal is a signal *selected from the group* consisting of an analog audio signal, a digital video signal, and an analog video signal (see Shear, page 5, [0056], digital consumer appliance; [0061-0068]).

Allowable Subject Matter


4. Claims 2-4, 7-9, 11, 13-15, 18-20 and 39-65 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KAMBIZ ZAND
PRIMARY EXAMINER

TT
December 4, 2006